

Below is the amount of restitution that has been ordered for each victim. If your name is not on the list, then you are NOT owed any restitution. This is because the records we relied on indicated you were paid back your investment by Patrick Cole. Restitution was calculated based on the victim impact statements and supporting documentation provided by the victims, and on the records confiscated from Patrick Cole. **Every effort was made to double check the figures you provided to us with the figures in Cole's records. These figures are now final for purposes of this criminal case - there can be no changes to the restitution.**

Please refer to the "Commonly Asked Restitution Questions" sheet that was recently mailed to you to answer your restitution questions, including how restitution will be collected and distributed (and when). We apologize, but due to the number of victims in this case and our limited staff, we do not have the ability to answer phone calls regarding the restitution process. If you do have questions or think there is a mistake in the list, please send a letter to our office, and we will try to answer any remaining questions or resolve any outstanding issues. We appreciate your cooperation in this matter.

**UNITED STATES PROBATION
AND PRETRIAL SERVICE**

MEMORANDUM

DATE: December 21, 2005

TO: Lisa Ball, Financial Administrator
Peter Galenda, Financial Litigation Unit
Sharon Knope, Victim Witness Coordinator

FROM: Shirley C. Pandolfe
U. S. Probation Officer

SUBJECT: PATRICK COLE
Docket No: 1:04CR00292-001

The referenced defendant has been ordered to pay restitution in the amount of \$1,452,089.31 to the victims as indicated on the attached list.

/sb
attachment

UNITED STATES V. PATRICK COLE 04-CR-292A
SENTENCING GUIDELINES LOSS AND RESTITUTION
CALCULATIONS

Last Name	First Name	Address	Loss Amount - Restitution
Amedick	Tammy	[REDACTED]	2,000.00
Ames	Claudia	[REDACTED]	1,000.00
Anzalone	Helen	[REDACTED]	9,000.00
Anzalone	Stephen	[REDACTED]	2,750.59
Aquina	Brenda Denise	[REDACTED]	3,000.00
Barber	Ronald, Joan	[REDACTED]	99.01
Barone Jr.	Rich / Deb	[REDACTED]	22,000.00
Barron	Jeffrey	[REDACTED]	5,000.00
Bartholomew	David, Barbara	[REDACTED]	1,600.00
Bartlett	Jim	[REDACTED]	500.00
Bartlett	Joanne	[REDACTED]	7,500.00
Benbynek	Tony	[REDACTED]	6,500.00
Bielawski	Henry A, Cornelia W	[REDACTED]	31,000.00
Blesnuk	Dennis	[REDACTED]	4,000.00
Blicharski	Jack	[REDACTED] Y	1,000.00
Boettcher	James, Doris	[REDACTED]	7,500.00
Bogold	Kevin	[REDACTED]	49,000.00
Brotz	Donald	[REDACTED]	5,000.00
Brzezinski	Robert, Marcy	[REDACTED] W,	6,500.00
Buchter	Jared	[REDACTED]	5,042.00
Bush	Sonja	[REDACTED] Y	2,500.00
Bykowicz	Thomas Michael	[REDACTED]	2,000.00
Cardinal	Kim, Darryl	[REDACTED]	16,000.00
Chalfin	Gayle	[REDACTED]	14,974.65

Cronin	James	[REDACTED]	2,000.00
Daley	Lorraine	[REDACTED] St.	1,000.00
D'Auria	Therese	[REDACTED] NY	50,000.00
Debski	Carl	[REDACTED] NY	3,000.00
Dembinski	Steven	[REDACTED] St.,	500.00
Derda (Pautler)	Laura	[REDACTED] Rd.	8,924.66
DeRoss	Robert	[REDACTED] Ave.	5,000.00
Desiderio	Michal, Susan	[REDACTED]	30,000.00
Dunn	Michael	[REDACTED] d	500.00
Dussault	Ricard, Cory	[REDACTED]	10,000.00
Erman	Svetlana	[REDACTED] st,	33,662.00
Fay	Robert T	[REDACTED] ce,	15,000.00
Goldbach	Arlene P	[REDACTED]	10,000.00
Greco	Billy Jo	[REDACTED]	600.00
Grenier	Darryl, Shorty	[REDACTED] Rd,	8,500.00
Gronwall	Marc	[REDACTED]	11,000.00
Guenther	Charles Andrew	[REDACTED]	4,000.00
Guth	Mike	[REDACTED]	5,000.00
Henderson	Melanie	[REDACTED]	20,000.00
Hendricks	John	[REDACTED]	2,000.00
Hess	Sharon	[REDACTED] NY	1,000.00
Howell	Sandra	[REDACTED]	20,404.00
Huber	Donald	[REDACTED] 66	10,000.00
Hughes	Joe	[REDACTED]	10,200.00
Inglut	Stanely	[REDACTED]	15,000.00
Iunnell	Gloria	[REDACTED] en,	1,000.00
Jablonski	Alexander	[REDACTED]	1,000.00

Jablonski	Alice		600.00
Jeziorski	Tom		5,000.00
Johannes	Cheryl Faith		15,000.00
Karas	Lynn B		10,000.00
Koller	Megan		1,000.00
Koller	Penny		1,100.00
Krueger	Karl		740.00
Krueger	Arlene		10,000.00
Kushner	Michelle		1,000.00
Laduca	Larry		8,000.00
Landahl	Lisa		1,000.00
Landers	Keith		1,000.00
Lapp	Doreen, Larry		35,000.00
Lauck	Amanda		2,000.00
Lauck	Dawn		3,665.00
Lauck	Kevin		1,500.00
Lavis	Wayne		3,000.00
Lavis	Craig		500.00
Lenney	Richard		32,500.00
Loftus	Joe		25,065.00
Lomot	Mary		1,000.00
Macvittie	Christina		3,000.00
Macvittie	Joan A.		10,000.00
Mahaney	Patrick A		10,000.00
Manhardt	Dorothy		2,017.36
Marek	Andrew		6,178.29
Mayer	Ronald E.		5,000.00
Mellick	William		50,000.00

Metz	Diane		10,000.00
Memminger	Martin		146,000.00
Mergler	Kelly N		3,000.00
Miller	Dolores M		10,000.00
Miller	Leslie		1,000.00
Monrian (Wright)	Tracey		4,000.00
Mooney	Dennis		2,000.00
Netzel II	Brian		1,000.00
Niespodzinski	Alan		25,000.00
Niespodzinski	Wayne		2,000.00
Newton	David J		22,800.00
Noody	Brian		12,000.00
Noody	Michael		18,000.00
Noody	Thomas		8,000.00
Osucha	James		14,150.00
Palizay	Elizabeth		4,000.00
Pautler	Charles Thomas		2,500.00
Pautler	Darin		20,000.00
Pautler	David		28,700.00
Pautler	Katherine		4,500.00
Pautler	Paul		14,000.00
Pautler	Donna		10,000.00
Peter	William		20,000.00
Peterson	Neil		5,000.00
Petre	Richard A		5,000.00
Petrella (Kushniruk)	Kristine		4,000.00
Piontowski	Karen J.		4,000.00

Polito	V.L.		5,000.00
Reif	Joseph J.		10,200.00
Roth	Robin		500.00
Roy	H. Eugenie		18,000.00
Salim	Zachary		19,150.00
Schultz	John		1,500.00
Sheehan	Denise		100.00
Smith	Brian		1,000.00
Smith	Mark / Jill		2,000.00
Snyder	Donna M.		10,000.00
Snyder	Ronald		10,000.00
Soper	Sean		1,650.00
Spinley	Paul		500.00
Stodolka	Marlene		16,612.40
Stoehr	Ruth		3,000.00
Stoffel	Donald		20,000.00
Stoffel	Regina		12,261.00
Stoffel	Thomas		11,300.00
Strathearn	James/Linda		1,500.00
Stutzman	Eric		3,000.00
Supples	Eleanor		7,800.00
Sutton	Pete		8,000.00
Terray	Douglas Robert		20,000.00
Townsend	Charlotte		1,000.00
Trysnicky	Nancy		9,680.00
Tur	Darlene		6,300.00

Vaillant	Tony		6,500.00
Wasik	Tina		10,000.00
Weiss	Amy		12,530.00
Weiss	Thomas		2,000.00
Wheeler	Christine		1,800.00
Wheeler	Ernest		12,000.00
Wheeler	Judy		13,483.35
Wienckowski	Kevin		14,450.00
Wienckowski	Richard		18,000.00
Williams	Dale		4,000.00
Woroniecki	Iwona		2,000.00
Wrazen	James		10,000.00
Young	John E.		10,000.00
Zulawski	William Patrick		5,000.00

\$ 1,452,089.31

COMMONLY ASKED RESTITUTION QUESTIONS

Q: WHEN WILL I GET MY MONEY?

A: Probably not for **years**. There are over 200 hundred victims in this case and payments have to be disbursed to all the victims at the same time. Cole will be enrolled in the Inmate Financial Responsibility Program while he is incarcerated which means he has to work while in prison and half of what he earns must go towards restitution. However, inmates typically earn about 11 cents an hour and payments are made quarterly while the defendant is incarcerated, usually about \$25 per quarter. Therefore, it is unlikely that you will receive any restitution while the defendant is incarcerated.

Q: WHAT HAPPENED TO ALL THE MONEY THE DEFENDANT TOOK FROM ME?

A: The U.S. Attorney's office and the FBI researched diligently any leads we had regarding where Cole could have had money, including bank accounts, assets, etc with no results. The Judge and US Probation Officer also questioned Cole extensively about where the money was to no avail. Cole has maintained that he spent it on "personal items". If we ever recover any assets, this will be turned over to make restitution to victims. We will inform you if this happens.

Q: HOW IS RESTITUTION COLLECTED AND DISBURSED?

A: While Cole is incarcerated the Bureau of Prisons collects and monitors his restitution payments and can remove any good conduct time for failure to pay restitution. After Cole is released from prison, he will be under supervision by the US Probation Office for 3 years. The Probation Officer will ensure that Cole is making monthly restitution payments to the Clerk of the Court. The U.S. Clerk of Court receives payments from the defendant and then will forward payment to the victims. However, as noted above, these payments have to be distributed among all the victims at the same time. Due to the over 200 victims in this case, these payments would be quite small. The Clerk does not issue checks for less than \$10 per victim because this is not economically feasible. Therefore, the Clerk will wait until there is a more substantial amount to disburse to victims. The Clerk will NOT send a letter notifying you a payment is coming - you will just receive a check in the mail. After Cole's supervision period is completed, the US Attorney's Office Financial Litigation Unit takes over monitoring Cole's restitution payments.

Q: HOW LONG WILL THE DEFENDANT HAVE TO MAKE PAYMENTS?

A: Restitution judgements are in effect and enforced for 20 years beyond the period of incarceration. The restitution judgement acts as a lien against any property or assets the defendant has or will have in the future. The U.S. Attorney's Financial Litigation Unit is responsible for enforcing restitution payments after the defendant serves his prison time and completes his supervised release. **Therefore, it is important that you keep the U.S. Attorney's Office informed of any address changes.**

Q: WHAT SHOULD I DO TO MAKE SURE I RECEIVE RESTITUTION?

A: If you are to receive restitution, your name is on the judgement and restitution will be disbursed to you as soon as it is collected. You only need to keep the US Attorney's Office informed of any change of address.

Q: WHAT IF I AM THE POWER OF ATTORNEY OR LEGAL GUARDIAN FOR THE VICTIM AND AM RECEIVING THE RESTITUTION NOTICE?

A: Please be aware that restitution can be made to the victim's estate if the victim is deceased. You need to inform the US Attorney's Office of any change in a victim's address or information.

Q: WHAT IF I RECEIVE A RESTITUTION PAYMENT AND THEN DON'T GET ANOTHER ONE?

A: As stated above, restitution payments tend to be quite small and it takes a **long** time for there to be enough to send to the victims. Thus, you could receive a payment and not receive another one for another several months or even longer. The defendant may have lost his/her job and can't make payments temporarily or the defendant may have just stopped making payments which is a violation of the terms of probation or supervised release. However, if you have been receiving payments on a consistent regular basis and then suddenly are not receiving them, you should contact the U.S. Probation Department to determine the reason (but only if you have been receiving payments that suddenly stop). US Probation Office phone is 716-551-4241

Q: SHOULD I CALL TO CHECK ON THE RESTITUTION STATUS?

A: No. Restitution will be disbursed once there is enough to disburse to all victims equally at the same time. As stated above, this process generally takes YEARS and there is nothing our office or the Court or Probation can do to make this process quicker if the defendant is making his regular restitution payments. We can only intervene if the defendant is wilfully failing to make restitution payments.

In Conclusion:

This is not meant to be harsh but to give victims a realistic view of restitution. It is quite likely that a victim may not receive any or may receive only partial restitution. We will make every effort to hold this defendant accountable. **It is your responsibility to keep the U.S. Attorney's Office informed of any change of address in order to receive restitution in the future.** Please send address changes to:

U.S. Attorney's Office
138 Delaware Avenue
Buffalo, NY 14202
Attn: Victim Witness Coordinator